

# PATENT COOPERATION TREATY

Sent by: INTERNATIONAL SEARCHING AUTHORITY

To:  <div style="text-align: center; margin-top: 20px;">see Form PCT/ISA/220</div>		<b>PCT</b>  <b>WRITTEN OPINION BY THE INTERNATIONAL SEARCHING AUTHORITY</b> (Rule 43bis. 1 PCT)	
File number of the applicant or attorney See Form PCT/ISA/220		Sending date (month/day/year) see Form PCT/SA/210 (Page 2)	
International file number PCT/DE2004/001773		International application date (month/day/year) 8/6/04	Priority date (month/day/year) 8/14/03
International patent classification (IPC) or national classification and IPC B60J7/20			
Application WILHELM KARMANN GMBH			
1. This decision includes data on the following points: <div style="margin-left: 20px;"> <input checked="" type="checkbox"/> Field no. I      Basis of the opinion  <input checked="" type="checkbox"/> Field no. II     Priority  <input type="checkbox"/> Field no. III    Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  <input type="checkbox"/> Field no. IV     Lack of unity of the invention  <input checked="" type="checkbox"/> Field no. V      Substantiated determination according to Rule 43bis.1(a)(i) with respect to novelty, inventive activity and commercial usefulness; documents and explanations to support this determination  <input type="checkbox"/> Field no. VI     Specifically listed documents  <input type="checkbox"/> Field no. VII    Specifically listed defects of the international application  <input type="checkbox"/> Field no. VIII   Specific notes on the international application                 </div>			
2. FURTHER ACTIONS  If a Demand is submitted for an international preliminary examination, this decision counts as the written decision of the authority ("IPEA") assigned to the international preliminary examination; this does not apply if the applicant selects an authority other than as IPEA and the selected IPEA has reported to the international office according to Rule 36, 1 to b) that written decisions of this international search authority are not recognized.  If this decision applies as the written decision of the IPEA as provided above, the applicant is requested to submit a written opinion and, where appropriate, submit changes to the IPEA before expiration of 3 months from the date on which the form PCT/ISA/220 was sent or before expiration of 22 months from the priority date, depending on which deadline occurs later.  For further opinions, see Form PCT/ISA/220.			
3. For details, see notes regarding Form PCT/ISA/220.			
Name and postal address of the international search authority European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk - Pays Bas Phone +31-70 340-2040, Telex 31 851 and nt Fax: +31-70 340-3016		Authorized Official <div style="display: flex; justify-content: space-between; align-items: center;"> <span>Verkerk, E</span> <span>[logo:] [illegible]</span> </div> Phone: +31 70 340-4344	

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application number  
PCT/DE2004/001773

Field no. 1 Basis of the decision

1. With respect to the language, the decision on the basis of the international patent application is issued in the language in which it was submitted unless otherwise indicated in this paragraph.
  - ☐ The decision is issued on the basis of a translation from the original language into the following language, in which the language of the translation involves the language that was submitted for the purpose of international research (according to Rules 12.3 and 23.1 b)).
2. With respect to the nucleotide and/or amino acid sequence that was disclosed in the international application and is necessary for the claimed invention, the decision has been issued on the following basis:
  - a. Type of material
    - ☐ Sequence protocol
    - ☐ Table(s) on the sequence protocol
  - b. Form of the material
    - ☐ In written form
    - ☐ In computer-readable form
  - c. Time of submission
    - ☐ Contained in the international application submitted
    - ☐ Submitted together with the international application in computer-readable form
    - ☐ Submitted subsequently to the authority for purposes of research
3. ☐ If more than one version or copy of a sequence protocol and/or of an associated table were submitted, the required explanation that the information in the subsequently submitted or additional copies matches the information in the application in the submitted addition and/or they do not go beyond it have additionally been provided.
4. Additional notes:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International Appl. No.  
PCT/DE2004/001773

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Field no. II Priority

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1. ☒ The following document has not yet been submitted:

☒ Copy of the earlier application, for which priority has been claimed (Rule 43bis.1 and 66.7(a)).

☐ Translation of the earlier application, for which priority has been claimed (Rule 43bis.1 and 66.7(b)).

Therefore it was not possible to examine the validity of the priority claim. In spite of that, the decision was issued, under the assumption that the claimed priority date is the critical date.

2. ☐ This decision has been issued without consideration of the claimed priority, since the priority claim proved to be invalid (Rules 43bis.1 and 64.1). For the purposes of this decision, the international application date named above counts as the critical date.

3. Any additional notes:

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Field no. V Substantiated determination according to Rule 43bis.1(a)(I) with respect to novelty, the inventive activity and the commercial usefulness; documents and explanations to support this determination

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1. Determination

Novelty	Yes: Claims 2, 4, 7, 9 No: Claims 1, 3, 5, 6
Inventive step	Yes: Claims 2, 4, 7, 9 No: Claims 1, 3, 5, 6, 8, 10, 11
Industrial Applicability	Yes: Claims 1-11 No: Claims:

2. Documents and explanations:

see Attachment

Re paragraph V.

1. Reference is made in the present decision to the following documents:  
D1: DE 199 32 501 A (WEBASTO VEHICLE SYS INT GMBH) March 8, 2001 (3/8/01)  
D2: DE 199 40 959 A (DAIMLER CHRYSLER AG) March 15, 2001 (3/15/01)
2. INDEPENDENT CLAIM 1
  - 2.1 The present invention does not meet the requirements of Article 33(1) PCT, since the object of Claim 1 is not novel in the sense of Article 33(2) PCT.
  - 2.2 Document D1 discloses, see Figures 1-3 (the references in parentheses refer to this document):

Convertible vehicle with a roof (17) that can be stored under a cover part (1) in the rear area of the vehicle, whereby the cover part (1) can alternatively be opened to release a loading opening for luggage (Figure 2) or to release a passage opening for the roof (Figure 3) and to do this is held by at least one movement mechanism (11, 15) in the vehicle, whereby the movement mechanism (11, 15) comprises at least one multi-link mechanism with an excess of links (31, 32, 33, 34, 35, 36) for each of the individually named movement directions of cover part (1), whereby part of these same links (33, 34) are movable for the movement of the cover part (1) in the release direction of the loading opening for luggage as well as the movement in the release direction of the passage opening for the roof (17) and during each of the named movements, at least one link (31, 32, 35, 36) is blocked.

Thus the object of Claim 1 is not novel.
3. DEPENDENT CLAIMS 3, 5, 6, 8, 10, 11

Claims 3, 5, 6, 8, 10 and 11 contain no characteristics that, in combination with the characteristics of any claim to which they refer, fulfill the requirements of the PCT with respect to novelty and/or inventive activity.

  - 3.1 Figures 2 and 3 in document D1 show that the cover part is held on the body only

by the multi-link mechanism. The object of Claim 3 is thus not novel.

3.2 Figures 2 and 3 in document D1 show a first control arm (27) that extends between a body-side (33) and a cover part-side mounting (34), a second control arm (29) that extends between a body-side mounting (35) and an intermediate link (36) and a third control arm (41) that extends between the intermediate link (36) and the cover part-side mounting (31) (see column 4, lines 35-38).  
Thus the object of Claim 5 is not novel.

3.3 Figure 2 in document D1 shows that the second control arm (29) is blocked around its mounting point (35) on the body side. Thus the object of Claim 6 is not novel.

3.4 Instead of a lock lever, Figures 4 and 5 in document D1 show a locking mechanism with driven locking disks (45, 53). However, it is generally known to the person skilled in the art that such locking disks are equivalent to a lock lever and can be used as a replacement if necessary. Therefore, the object of Claims 8 and 10 is not based on inventive activity.

3.5 Document D2 suggests a pressure-loaded downward position for closing of the cover part, see column 3, line 60 to column 4, line 12. Thus the object of Claim 11 is not based on inventive activity.

4. **DEPENDENT CLAIMS 2, 4, 7 AND 9**

The combination of characteristics contained in the dependent claims 2, 4, 7 or 9 is neither known from the state of the art nor is it obvious from the state of the art.

5. The object of the claims relates to a rear lid and can be used commercially, for example on vehicles.